

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ZENA MANDERVILLE,

Plaintiff,

v.

LITTON LOAN SERVICING, et al.,

Defendants.

2:10-CV-1696 JCM (GWF)

ORDER

Presently before the court is defendant Litton Loan Servicing LP's emergency motion for reconsideration of the court's order (doc. #43) granting plaintiff's motion to amend complaint. (Doc. #44). Defendant Quality Loan Service Corp. filed a joinder. (Doc. #45). Any opposition was due June 18, 2011. To date, the plaintiff has not filed an opposition.

Plaintiff Zena Manderville's complaint (doc. #1-2) stems from the alleged wrongful foreclosure of her property located at 1328 Sea Side Drive, North Las Vegas, Nevada. On May 31, 2011, the court entered an order granting defendant Mortgage Electronic Registration System's motion to dismiss (doc. #16) and plaintiff's motion to amend complaint and to extend discovery schedule (doc. #27). (Doc. #43). In that order, the court held that according to the court's previous order (doc. #35), "defendants had 14 days from [March 28, 2011] to file an opposition [to the motion to amend], yet failed to do so." Therefore, the court held that "since the defendants ha[d] not opposed it, and the court [found] that the addition of the parties would not "cause undue prejudice, [and]

1 would [not] constitute an exercise in futility,” the court is inclined to grant plaintiff leave to amend
2 her complaint. *See Janicki Logging Co. v. Mateer*, 42 F.3d 561, 566 (9th Cir. 1994).”

3 In the present motion for reconsideration (doc. #44) and the joinder (doc. #45), Litton Loan
4 and Quality Loan ask this court to reconsider its order (doc. #43), due to the fact that the minutes
5 from the magistrate judge’s settlement conference conflict with the schedule set out in the court’s
6 original order (doc. #35).

7 Prior to the court’s order (doc. #43), the parties attended a settlement conference on March
8 25, 2011, and on March 28, 2011, in the minutes of the proceedings (doc. #40), the magistrate judge
9 ordered “that the action [be] stayed as to discovery and other deadlines for 60 days.” This was in
10 direct conflict with the previous order for defendants to file an opposition to the motion to amend
11 within 14 days. Consequently, defendants were under the impression following the conference that
12 their opposition to the motion to amend was due on May 31, 2011.

13 Relying on the its original order (doc. #35), this court incorrectly concluded that no
14 opposition had been filed to the motion to amend, and granted the motion accordingly. (Doc. #43).
15 In light of this error, defendants Litton Loan and Quality Loan ask this court to allow them to file
16 oppositions to the plaintiff’s motion for leave to amend (doc. #27). Plaintiff has not opposed this
17 request.

18 Good cause appearing,

19 IT IS HEREBY ORDERED ADJUDGED AND DECREED that Litton Loan Servicing LP’s
20 emergency motion for reconsideration of the court’s order (doc. #43) granting plaintiff’s motion to
21 amend complaint (doc. #44) and defendant Quality Loan Service Corp.’s joinder thereto (doc. #45)
22 be, and the same hereby are, GRANTED.

23 IT IS THEREFORE ORDERED that defendants have seven (7) days from the date of this
24 order to file their oppositions to plaintiff’s motion to amend.

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1 IT IS FURTHER ORDERED that the portion of the court's order (doc. #43) granting the
2 plaintiff's motion to amend (doc. #27) be, and the same hereby is STRICKEN and VACATED.

3 DATED June 24, 2011.

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5 
6 **UNITED STATES DISTRICT JUDGE**